IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 24024 of 2007(I)

PETITIONER:

MR.JOSEPH BABU,
CHERA KUZHIYIL HOUSE,
KAKOOR P.O., KOOTHATTUKULAM (VIA)
ERNAKULAM DISTRICT.

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENTS:

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1. THE ADDITIONAL DISTRICT EXECUTIVE
OFFICER, KERALA MOTOR TRANSPORT WORKER'S
WELFARE FUND BOARD, ERNAKULAM.

2. ADDITIONAL SECRETARY (APPEALS-1)
GOVERNMENT OF KERALA, LABOUR AND
RE-HABITATION DEPARTMENT, SECRETARY
THIRUVANANTHAPURAM.

3. THE TAHSILDAR,
MUVATTUPUZHA, ERNAKULAM DISTRICT.

4. THE VILLAGE OFFICER,
THIRUMARRADI VILLAGE OFFICE
KOOTHATTUKULAM VIA, ERNAKULAM DISTRICT.

5. MR.K.J.JOY,
KULLASERYIL HOUSE,
PIRAVOM P.O.,ERNAKULAM DISTRICT.

BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
ADV. SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 24024/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE PROVISIONAL DETERMINATION ORDER NO. B1-136/1987 DATED 20/10/1993.

P2 : COPY OF SETTLEMENT LETTER DATED 05/06/1990.

P3 : COPY OF APPLICATION DATED 06/11/2003.

P4 : COPY OF THE CERTIFICATE NO. 4045/03 DATED 04/11/2003.

P5 : COPY OF THE RECEIPT NO. 891 DATED 26/08/2003.

P6 : COPY OF THE REPRESENTATION DATED 23/04/2007.

P7 : COPY OF FRESH NOTICE NO. B3-1959/2003 DATED NIL.

P8 : COPY OF NOTICE NO. BE-1959/03 DATED 31/05/2007.

P9 : COPY OF ORDER NO. R1/EE123/WE854/07 DATED 31/05/2007.

P10 : COPY OF ORDER NO. R1/EE123/WE858/07 DATED 31/05/2007.

P11 : COPY OF ORDER NO. R1/EE123/WE9877/07 DATED 31/05/2007.

P12 : COPY OF ORDER NO. R1/EE123/WE855/07 DATED 31/05/2007.

P13 : COPY OF ORDER NO. R1/EE123/WE856/07 DATED 31/05/2007.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 24024 of 2007

Dated, this the 7th day of September, 2007

J U D G M E N T

Heard learned counsel for petitioner and learned Government Pleader and learned Standing Counsel appearing for Kerala Motor Workers Welfare Fund Board. Demand under challenge is interest payable for belated payment of Motor Workers Welfare Fund and also 5% collection charges. In the first place, since petitioner has made payment voluntarily, no collection charge should be recovered from the petitioner. So far as interest is concerned, interest can be charged at 9% only for the actual period of default i.e. till date of payment made by the petitioner and not for any period thereafter. In other words, interest on interest should not be charged on the petitioner. The 2nd and 3rd respondent are directed to re-compute liability and give a statement to the petitioner within two weeks from the date of production of a copy of the judgment. Petitioner is granted another two weeks time to make payment, failing which recovery can be made only for that amount. No recovery should be made for one month from now and thereafter recovery will be based

on the liability re-computed as above. Petitioner can give a statement of computation of liability for the Tahsildar to re-check and approve it to avoid request for modification again.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg